

United States District Court  
Central District of California

BONVIVINO CAPITAL, LLC,  
Plaintiff,

V.

MORGAN CLENDENEN; COLD  
HEAVEN CELLARS, LLC; and DOES  
1-50 inclusive,

### Defendants.

Case № 2:12-cv-08185-ODW(FFMx)  
**ORDER TO SHOW CAUSE RE.  
CONTEMPT SANCTIONS**

On Thursday, October 30, 2014, the Court ordered Defense counsel, Chris Harshman, to complete service electronically or by messenger of all outstanding discovery responses without objection by Friday, October 31, 2014. (ECF No. 185.) On Monday, November 3, 2014, Plaintiff's counsel, James Hudson, copied the Court on an email to Harshman explaining that the discovery responses had not been received either electronically or by messenger. Rather than immediately email or call Hudson to ensure that the discovery responses had been served by the Court-ordered deadline, Harshman responded indifferently: "Check your inbox and/or spam folder; link to download was sent Friday afternoon. Will follow up when back at computer." Hudson confirmed that the responses were not in his inbox or spam folder.

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This is the second time in as many weeks that Harshman has failed to comply with a Court-ordered deadline and prevented Plaintiff's counsel from properly preparing for the depositions of Morgan Clendenen and the PMK. These responses have been due for three weeks and still have not been served. The Court will not continue to reschedule deadlines because counsel refuses to follow Court orders.

Therefore, the Court **ORDERS** Harshman to **SHOW CAUSE**, in writing, **no later than Thursday, November 6, 2014**, why the Court should not impose sanctions for repeated violations of the Court's discovery deadlines. The Court **CONTINUES** the depositions of Clendenen and the PMK to an appropriate date to allow Plaintiff counsel to prepare for the depositions. Once this matter is resolved, a date will be set.

# IT IS SO ORDERED.

November 3, 2014

**OTIS D. WRIGHT, II  
UNITED STATES DISTRICT JUDGE**